

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CHARLES BENZING,)
)
Plaintiff,)
)
vs.)
)
KAREY SCOTT TREADWAY, AMY)
RUNYAN SWEATT, TASHA) CIVIL CASE NO. 3:17-cv-619
DESHAWN LOCKRIDGE, NORTH)
CARROLINA DEPARTMENT OF)
PUBLIC SAFETY, and STATE OF)
NORTH CAROLINA,)
)
Defendants.)
)
)
CHARLES BENZING,)
)
Plaintiff,)
)
vs.)
)
MIKE SLAGEL,) CIVIL CASE NO. 3:18-cv-414
NORTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY, and)
ANNE L. PRECYTHE,)
)
)
Defendants.)
)
)

THIS MATTER is before the Court *sua sponte* on the two above-captioned matters. It appears to the Court that the two cases arise out of the same occurrences and involve common questions of law and fact, and thus, should be consolidated in the interests of judicial efficiency and consideration of costs to the parties. See Fed. R. Civ. P. 42(a).

IT IS THEREFORE ORDERED that the two above-captioned cases (3:17-cv-619 and 3:18-cv-414) shall be consolidated for all purposes, including pre-trial motions, discovery and trial. Plaintiff is ORDERED to file an amended complaint in this case, consolidating the claims and Defendants, within fourteen (14) days of this order's entry.

IT IS ALSO ORDERED that as a result of consolidation and the Order directing Plaintiff to file an Amended Complaint, the Court hereby DENIES the pending motions for summary judgment in Civil Case No. 3:17-cv-619 (Docs. Nos. 32, 35). This ruling is WITHOUT PREJUDICE to refile dispositive motions and reassert the arguments at the appropriate time. Accordingly, the hearing on pending summary judgment motions scheduled for Monday, February 4, 2019 at 9:00 a.m. is hereby CANCELLED, and all other deadlines, including the current trial setting, are TERMINATED. This Court will enter a revised scheduling order for this case following receipt of the Amended Complaint and Answer to the Amended Complaint.

IT IS ALSO ORDERED that the Court DENIES Plaintiff's request to participate in the Pro Se Settlement Assistance Program (PSAP) since, upon review of Plaintiff's claims in both cases, Plaintiff is not eligible to participate.

IT IS SO ORDERED.

Signed: January 28, 2019



Frank D. Whitney
Chief United States District Judge

